



# Town of Groton, Connecticut

## Meeting Minutes

### Town Council Committee of the Whole

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

**Mayor Rita M. Schmidt, Councilors Genevieve Cerf, Joe delaCruz, Bruce S. Flax, Bob Frink, Rich Moravsik, Deborah L. Peruzzotti, Heather Bond Somers and Harry A. Watson**

**Tuesday, January 14, 2014**

**6:00 PM**

**Town Hall Annex - Community Room 1**

#### **REGULAR MEETING**

#### **1. CALL TO ORDER**

*Mayor Schmidt called the meeting to order at 6:07 p.m.*

#### **2. ROLL CALL**

Members Present: Mayor Schmidt, Councilor Cerf, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Somers and Councilor Watson  
Members Absent: Councilor Peruzzotti

*Also present were Town Manager Mark Oefinger and Executive Assistant Nicki Bresnayan.*

#### **3. Calendar and Communications**

*None.*

#### **4. Approval of Minutes**

##### **2014-0019 Approval of Minutes (Committee of the Whole)**

##### **RESOLUTION ACCEPTING COMMITTEE OF THE WHOLE MINUTES**

RESOLVED, that the minutes of the Town Council Committee of the Whole meeting of December 23, 2013 are hereby accepted and approved.

**Tabled**

#### **5. UNFINISHED BUSINESS**

*None.*

#### **6. NEW BUSINESS**

##### **2014-0017 FYE 2013 CAFR**

**Discussed**

*Sal Pandolfo, Director of Finance; Cindy Landry, Town Treasurer; Vanessa Rossitto of Blum Shapiro; and Carolyn Dickey, Business Manager for Groton Public Schools were present to address the Council.*

*Mr. Pandolfo noted the audit documents that were previously distributed to Councilors. The audit is required by the Charter. The State requires that the audit be published within six months of the end of the fiscal year. The audit is a communication and information document that provides a snapshot of what happened in the Town of Groton during the fiscal year. The document is reviewed by investors and bond rating agencies and contains three sections: Introduction, Financial, and Statistical.*

*Ms. Rossitto began her overview by noting that Blum Shapiro has given the Town a clean opinion, which is now called an unmodified opinion and is the highest form possible. She reviewed the following information with the Council:*

*CAFR -*

*p. 4 - The Management Discussion and Analysis is a narrative prepared by management that tells the story behind the numbers.*

*pp. 17-18 - Statement of Net Position - These are the full accrual financial statements for the Town with assets and long term debts included. The total net position of the Town is \$197 million.*

*p. 19 - The major funds of the Town are the General Fund and Capital Improvements Fund; the non-major funds are aggregated. As of June 30, 2013, there was a \$14.6 million General Fund fund balance with an unassigned balance of \$11.6 million or 9.7% of the budget.*

*p. 65 - Ms. Rossitto reviewed a comparative balance sheet for the General Fund showing the different categories of fund balance.*

*p. 66 - Adopted versus final budget numbers are compared and variances in revenues and expenditures detailed. Mr. Pandolfo explained that when the budget is developed, it is based on a 7.5% fund balance with any additional funds being applied to the budget.*

*p. 19 - The Capital Improvements Fund had a balance of \$5.7 million.*

*p. 83 - Details for the three Internal Service Funds are presented. Balances are as follows: Fleet Reserve \$3.7 million; Health Insurance \$6.4 million; and Worker's Compensation -\$700,000. Long term assets and liabilities are included in the Internal Service Funds.*

*pp. 26-27 - Fiduciary Funds are the Pension Trust Fund (\$95 million, an increase of \$8.9 million); OPEB (\$8.7 million, an increase of \$2.4 million); and smaller private purpose trust funds and various agency funds.*

*pp. 68-70 - Non-major funds include Special Revenue Funds, Capital Projects Funds, Debt Service Funds, Sewer District Funds, and Permanent Investment Funds.*

*Councilor Cerf indicated that she did not have enough time to review the report and she suggested tabling action. Councilor Frink suggested a review of the document in the Finance Committee when one is formed by the Mayor.*

*Mr. Pandolfo explained that he could answer written questions from the Council, but the audit will not change and it should be accepted by the Council.*

*Ms. Rossitto then addressed the federal and state single audits, which are required because the Town receives grant funds from the federal and state governments.*

#### *Federal Single Audit -*

*p. 5 - Ms. Rossitto noted the list of expenditures for the various grants received by the Town. She summarized the findings on the grants tested, which appear on pp. 13-15. She noted the cause of the findings on the Child Nutrition Program is a change in personnel and the lack of written policies and procedures. The cause of the finding on the Highway Cluster is not getting information from the contractor in a timely manner. For each finding, there is a management response and corrective action.*

*Councilor Somers asked how the corrective action is monitored for implementation. Mr. Pandolfo explained that the correction happens immediately upon the auditor's finding and follow up is with the responsible department.*

*State Single Audit -*

*p. 4 - Ms. Rossitto noted the list of expenditures of all state monies. There was one finding (p. 11) on the list of programs tested concerning a report not filed in a timely manner. The recommendation is that grant requirements be reviewed by two persons.*

*In response to Councilor Frink, Ms. Rossitto explained that non-public companies do not receive an opinion on internal controls. Through the audit process, the auditor gains an understanding of the Town's processes and there were no material weaknesses or significant deficiencies found.*

*Management Letter -*

*Ms. Rossitto noted two comments for the Board of Education. The first comment deals with year-end encumbrances and accounts payable. The auditor is recommending that the Board continue to refine its processes and add a manual tracking component. The second comment deals with the disbursement process at the Board of Education and potential for fraudulent activity. Mr. Rossitto reviewed the auditor's recommendations. Ms. Dickey indicated that the recommendations are being implemented.*

*The auditor also recommends that the Town Tax Collector review allowances for doubtful accounts against tax related receivables at year end. Second, the auditor recommends that the Tax Collector actively monitor interest adjustments. Mr. Pandolfo stated the recommendations are being implemented.*

*In response to Councilor Flax, Ms. Rossitto stated that she cannot predict what will happen to the pension fund because it is dependent on benefits, the life expectancy used by the actuary, and market conditions. The Town's fund is currently funded at 80%, which is pretty good and reasonable. The Town is doing what it is supposed to be doing.*

*Councilor Cerf noted that the current status of the pension fund is not because pension obligations have become onerous, but due to the financial crisis and low interest rates.*

**A motion was made by Councilor Moravsik, seconded by Councilor Somers, that this matter be Recommended for a Resolution.**

**The motion carried unanimously**

**Discussed**

*A special meeting of the Committee of the Whole was scheduled for January 21st at 6:00 p.m. to answer any further questions about the audit.*

**2014-0018****FOI Presentation by Tom Hennick****Discussed**

*Tom Hennick, Public Information Officer for Freedom of Information (FOI), was present to address the Council. He explained the purpose of his presentation is to provide tools to work with regarding FOI. Mr. Hennick reviewed his background and encouraged Councilors to call anytime with questions. The FOI law is about access to public meetings and public records. Mr. Hennick read the definition of a meeting and discussed its meaning. He explained that it doesn't matter what the group calls itself, the law applies to all public agencies. Also, the lack of a quorum does not mean there is no meeting.*

*Mr. Hennick reviewed regular, special, and emergency meetings. Meeting location does not need to be specified in the regular meeting schedule filed with the Town Clerk. Mr. Hennick reviewed agenda requirements, noting that board members can vote to add items to a regular meeting agenda, but not a special meeting agenda. No agenda is required for emergency meetings, but minutes of emergency meetings must be filed with the Town Clerk within 72 hours.*

*The Town must respond to FOI request for records within 4 business days. The provision of requested records should be built into the regular work schedule. Although the FOI Commission can level civil penalties, it is rare.*

*There are two avenues for a board to meet without the public: executive session and caucus. Mr. Hennick stated that a caucus must be members of the same board and of the same political party. Staff and others are not allowed to attend. During chance and social gatherings, board members should limit discussions so that no business is conducted that should be done in public. The court has ruled that even absent a quorum, a meeting can still occur. Meetings can also occur through electronic means. Mr. Hennick explained that board members can exchange ideas, but they cannot deliberate or discuss disagreements, otherwise it is a meeting.*

*Mr. Hennick responded to Councilors' questions. He clarified that a caucus cannot include individuals who are not on the board. Any item not on a regular agenda must be added to the agenda to discuss it, even if it is raised under Old Business. With respect to e-mail, again sharing information among the entire group is acceptable, but deliberations and subsequent conversations should not happen. The Council can empower someone to be responsible for monitoring FOI at meetings.*

*FOI law does not guarantee the public the right to speak at meetings. Mr. Hennick discourages boards from adding items to the agenda to avoid public scrutiny. If properly added to the agenda, a board can go into executive session, but it is not a good way to do business.*

*Councilor Somers left the meeting at 7:42 p.m.*

**Roll Call:** Members Present: Mayor Schmidt, Councilor Cerf, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik and Councilor Watson  
Members Absent: Councilor Peruzzotti and Councilor Somers

**Discussed**

*Mr. Hennick reviewed the five reasons that a board can go into executive session. For a personnel matter, the person must be notified and they have the right to have the discussion in open session. They cannot demand to be included in executive session. A board can invite people in to executive session, but they must leave during deliberations. There are no votes taken in executive session; all votes must be taken in open session.*

*Mr. Hennick reviewed requirements for the minutes, which do not have to be detailed unless desired by the board. Only votes are required to be recorded.*

*Councilor Somers returned at 8:55 p.m.*

**Roll Call:** Members Present: Mayor Schmidt, Councilor Cerf, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Somers and Councilor Watson  
Members Absent: Councilor Peruzzotti

**Discussed and Recommended no action taken**

*Under FOI, meeting attendance by means of electronic device is allowed as long as the person can hear and be heard. Texts and e-mails while Councilors are conducting Council business are public records. Mr. Hennick discourages texting, e-mails, or using computers during a meeting. It is rude, implies that the person is not paying attention, and could be construed as improper. He recommends that boards establish policies on the subject.*

*The Council thanked Mr. Hennick for his presentation.*

*The Committee of the Whole recessed at 8:00 p.m. and reconvened at 8:10 p.m.*

*Councilor Cerf did not immediately return from the break.*

**Roll Call:** Members Present: Mayor Schmidt, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Somers and Councilor Watson  
Members Absent: Councilor Cerf and Councilor Peruzzotti

**2014-0014 Department of Education Youth and Family Services Funding**

A motion was made by Councilor Somers, seconded by Councilor Frink, that this matter be Recommended for a Resolution.

The motion carried unanimously

**2014-0015 Department of Education Youth Services Enhancement Grant**

A motion was made by Councilor Somers, seconded by Councilor Frink, that this matter be Recommended for a Resolution.

The motion carried unanimously

**2014-0016 Supportive Housing Program Grant**

A motion was made by Councilor Somers, seconded by Councilor Frink, that this matter be Recommended for a Resolution.

The motion carried unanimously

*Councilor Cerf returned to the meeting at 8:12 p.m.*

Members Present: Mayor Schmidt, Councilor Cerf, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Somers and Councilor Watson  
Members Absent: Councilor Peruzzotti

**2013-0286 Town Council Goals**

**Discussed**

*Mayor Schmidt provided an overview of the Town Council's goal setting session held on Saturday, January 11th. Councilors have volunteered to meet and review potential goal areas, and to present their findings at the January 28th Committee of the Whole meeting.*

*Councilor Somers suggested having one more goal setting session to refine the goals before they are presented at a Committee of the Whole meeting.*

**2013-0287 Town Attorney Appointment**

**Discussed**

*Town Manager Oefinger noted that the Town Attorney must be appointed by March 5th. The Council can make an interim appointment if necessary.*

*A motion was made by Councilor Moravsik, seconded by Councilor Cerf, to go out for an RFP (Request for Proposal) for a Town Attorney.*

*Councilor Flax asked for the reason for the motion. Councilor Moravsik feels that after 26 years it is time to look for an attorney that will bring a healthier position to the Town and look at old issues with new ideas. He expressed no concerns with the existing Town Attorney. Councilor Watson noted that the last Town Attorney search occurred in the 1990s. A fair amount of time was spent looking at many firms and the Town ended up with the same firm. Councilor Somers expressed support for the current Town attorney citing the reasonable rates, breadth of knowledge, timely responses, established relationships, and good working relationships with staff. It was noted that the bond attorney is recommended by the Town Attorney; it is not a separate appointment. Councilor Moravsik feels that bid prices will be comparable to current rates and there are many well qualified attorneys in New London County. Councilor Watson supports the current Town Attorney. Mayor Schmidt noted that Eileen Duggan has a reputation for being an outstanding attorney for labor contracts and the Town is fortunate to have her. Councilor Frink feels it would be prudent to look at what else is available. Councilor Flax does not feel that length of service is a good enough reason to do an RFP. In response to Councilor de la Cruz, the Town*

*Manager stated that there is no contract with the Town Attorney. If the Council is not happy with the service being provided, they can change firms.*

*A motion was made by Councilor Somers, seconded by Councilor Flax, to appoint Eileen Duggan as the Town Attorney [substitute motion].*

*Councilor Somers reiterated her support for the current Town Attorney noting that the firm has provided quality services. The Town Manager, who deals with the Town Attorney on a daily basis, has also indicated he is satisfied with the service.*

*Town Clerk Betsy Moukawsher noted that a new Council's prerogative is to hire a new Town Attorney and this Council has a duty to appoint both the Town Attorney and Bond Attorney.*

*Councilor Cerf noted a perception that when people work together for a long time, there is not enough independence. She feels the Council should do its due diligence and consider an RFP.*

*Councilor Flax asked for clarification of the Town Clerk's role in the discussion, as a point of order. Town Clerk Moukawsher stated the Town Clerk is an ex-officio member of the Town Council. Councilor Flax continued stating the people who want to change the Town Attorney must do their due diligence and identify reasons why. He does not want to waste other attorneys' time. He also reiterated his desire to determine the Town Clerk issue.*

*Councilor Moravsik stated his desire to get the best attorney for the Town.*

*Councilor Moravsik moved the question. There was no second.*

*Councilor de la Cruz stated that as a new Councilor, he would like to table the issue for at least a week. This will be a big process. He noted that he was on the RTM and the Town Attorney seems to do a good job.*

**A motion was made by Councilor delaCruz, seconded by Councilor Flax, to postpone discussion to the January 28, 2014 Committee of the Whole meeting.**

**The motion carried by the following vote:**

**Votes:** In Favor: 5 - Mayor Schmidt, Councilor delaCruz, Councilor Flax, Councilor Somers and Councilor Watson  
Opposed: 3 - Councilor Cerf, Councilor Frink and Councilor Moravsik

**2013-0297****Road Reconstruction Bond - Year 2 Projects****Discussed**

*Town Manager Oefinger noted receipt of input from Groton Long Point, additional cost information from the Town, and an assessment from Public Works of in-house paving versus contracting out.*

*Gary Schneider and John Carrington from Public Works were present to address the Council. Mr. Carrington reviewed actual costs for the roads completed in Year 1. Projected costs were \$1.4 million and actual costs were \$1.1 million. Mr. Carrington reviewed the reasons for the difference noting that there was a significant savings in asphalt pricing because of competitive bidding.*

*Mr. Carrington reviewed Year 2 projects and estimated costs.*

*The Town Manager explained that the Town has not yet borrowed under the bond authorization. Godfrey Street was moved from Year 3 to Year 2 to coordinate with a proposed development. In the coming year, the Town may have excess capacity and there have been preliminary discussions about doing additional roads. One possibility would be roads in Groton Long Point since they wait for the fall to do their road projects. The Town Manager explained that the bond ordinance authorizes the Council to modify the roads scheduled for paving.*

Councilor Cerf asked that the length of roads be included in the City and Groton Long Point reports.

In response to Councilor Flax, Mr. Carrington explained that he can't accurately estimate costs for each road because of unknown factors such as traffic control. The only known cost is asphalt. Councilor Flax asked if the variances in costs can be projected for future roads and Mr. Carrington stated that estimates could be more specific.

Mr. Carrington then reviewed the "What is Paving?" report prepared by Public Works. The report differentiates full depth reclamation from milling. Road projects also include curbing and driveway aprons; loaming and seeding; sign replacement; mailbox relocation; striping (by a contractor); replacement of traffic loops; sidewalks; and catch basin cleaning.

The report provides cost comparisons for Toll Gate Road, Carter Road, and Knoll Drive, with breakdowns by task and by costs. The majority of the cost is asphalt. The report also shows a cost comparison for the three roads using prices for five state low-bid contractors who do ONLY asphalt, curbing, and driveway aprons. The costs for six low-bid contractors are compared for a milling project.

In the future when Public Works puts a road out to bid, the specification will cover all aspects of the project and it will be possible to compare costs with the Town's costs.

Mr. Schneider pointed out that there are also intangible benefits when the Town does a paving project such as schedule flexibility, driveway relocation, and working directly with residents to address their concerns. Mr. Carrington added that the Town can do the work at a lower cost because a contractor must make a profit to stay in business. The Town would not be able to be cost competitive if it did not already own the equipment.

Councilor de la Cruz stated he is comfortable with the work that Public Works has done. With low-bid contractors, there is no guarantee that employees will make a decent wage, which could cost the community in other ways.

Councilor Cerf suggested that all costs for supporting Town resources should be rolled into the estimates including wages, benefits, computers, buildings, vehicles, and maintenance.

Mr. Schneider explained that the personnel in question do not have computers and the vehicles are multi-use. It is not known how contractors charge or pay for their overhead. The Town has bid out roads in the past and had bad experiences including lawsuits. The Town will be bidding out Godfrey Road to coordinate with the developer's contractor in September. Discussion followed on the Town bidding on a Groton Long Point project. Councilor Moravsik stated that Groton Long Point will be putting out a bid package for road projects next month.

Councilors acknowledged the Year 2 projects and expressed support for the proposed roads.

Councilor Cerf asked about Main Street in Noank. Mr. Schneider stated that the Town will patch the road, but based on its Pavement Management Index, a full reconstruction is required. A project is proposed in the FYE 2015 CIP.

**A motion was made by Councilor Somers, seconded by Councilor Flax, that this matter be Recommended for a Resolution.**

**The motion carried unanimously**

**2014-0008**

**Joint Meeting with City of Groton (2014 Standing Referral)**

**Discussed**

meeting was scheduled for February 3rd at 6:00 p.m. at the Municipal Building. Town Manager Oefinger suggested the following agenda items: FYE 2015 Budget; Thames Street update; the Police Study; Capital Improvement Program; economic development; and areas of collaboration.

The Town Manager updated the Council on efforts to align the budget formats of the City and Groton Long Point with the Town. He suggested that the challenge will be for the entities to decide what should be paid for.

**2014-0009 Joint Meeting with Board of Education (2014 Standing Referral)**

**Discussed**

The Council expressed an interest in meeting with the Board of Education as soon as possible.

**2014-0010 Joint Meeting with Groton Long Point Board of Directors (2014 Standing Referral)**

**Discussed**

The Council expressed an interest in meeting with the Groton Long Point Board of Directors as soon as possible.

**2014-0011 Joint Meeting with Stonington Board of Selectmen (2014 Standing Referral)**

**Discussed and Recommended no action taken**

Councilors expressed no desire to meet with Stonington and asked that the referral be deleted.

**2014-0012 Meeting with State Legislators (2014 Standing Referral)**

**Discussed**

Town Manager Oefinger noted he has reached out to the three local legislators and invited them to a future meeting. He asked Councilors to consider topics for discussion.

**2014-0024 Connecticut Open Space and Watershed Land Acquisition Program Funding - GOSA  
Request for Application Endorsement**

**Recommended for a Resolution**

Town Manager Oefinger provided a brief history of the issue, noting that the Council should take formal action to send a letter to the state regarding GOSA's application and include reasons in the resolution.

Councilor Somers left the meeting at 9:50 p.m.

**Roll Call:** Members Present: Mayor Schmidt, Councilor Cerf, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik and Councilor Watson  
Members Absent: Councilor Peruzzotti and Councilor Somers

**Discussed**

After receipt of the GOSA's letter withdrawing their request for support from the Town, the Town Manager e-mailed the president of GOSA to ask if the group still intends to submit an application, but he has had no response.

A motion was made by Councilor Flax, seconded by Councilor Frink, to send a formal letter to the State Department of Energy and Environmental Protection indicating that the Town does not support GOSA's proposed acquisition of the Tilcon, Inc. property.

Councilor Somers returned to the meeting at 9:55 p.m.

Mayor Schmidt supports sending a letter to GOSA, but not to the DEEP. Councilor Moravsik would like to look at the property first. Councilor Frink noted the property is potentially developable.

The motion carried by the following vote:

**Votes:** In Favor: 5 - Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Somers and Councilor Watson  
Opposed: 3 - Mayor Schmidt, Councilor Cerf and Councilor Moravsik



**Roll Call:** Members Present: Mayor Schmidt, Councilor Cerf, Councilor delaCruz, Councilor Flax, Councilor Frink, Councilor Moravsik, Councilor Somers and Councilor Watson  
Members Absent: Councilor Peruzzotti

**2014-0020 Request for Proposals for Town Attorney**

**Discussed and Recommended no action taken**

*This issue is being discussed under #2013-0287 Town Attorney Appointment.*

**2014-0021 Disposition of Fitch Middle School**

**Discussed**

*A motion was made by Councilor Moravsik for the Council to talk to the Board of Education and Superintendent of Schools about the disposition of Fitch Middle School to start the reuse process. There was no second.*

*Councilor Moravsik reviewed his reasons for the request. It was noted that the reuse of Fitch Middle School is being discussed as part of the Council's goals.*

**2014-0022 Request for Police Chiefs to Appear before the Town Council to Comment on Town-Wide Police Study**

**Discussed**

*A motion was made by Councilor Moravsik, seconded by Councilor Cerf, to have the Town, City and Groton Long Point police chiefs appear before the Committee of the Whole to respond to the police study.*

*Councilor Somers suggested that no motion is necessary; the Council can ask the Town Manager to invite the police chiefs in and the topic can be discussed at the various joint meetings.*

*Town Manager Oefinger agreed that a formal motion is not necessary, but the Council as a whole must discuss the request and decide as a body if they want the chiefs to come in. The motion and second were withdrawn.*

*By consensus, the Council indicated they would like the police chiefs to appear at a Committee of the Whole meeting. Councilor Flax stated he would like the conversation to be about the report's recommendations and how to implement them.*

**2014-0023 Budget Process Joint Meetings**

**Discussed and Recommended no action taken**

*Councilor Moravsik noted this issue has already been addressed. Discussion followed on a joint meeting with the RTM that has been tentatively scheduled for February 18th at 6:00 p.m. at the Senior Center. Councilor Moravsik expressed support for joint meetings to hear the department budget presentations to the Council. Councilor Cerf feels it would be useful for the Council to have a discussion about the direction of the budget.*

**7. Consideration of Committee Referral Items as per Town Council Referral List**

*No discussion occurred on the referrals recommended for deletion.*

**8. OTHER BUSINESS**

*None.*

**9. ADJOURNMENT**

*A motion was made by Councilor Flax, seconded by Councilor Somers, to adjourn the meeting at 10:10 p.m.*

*The motion carried unanimously.*